

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DAVID CHRISTA CONSTRUCTION, INC.,

Plaintiff,

v.

DECISION & ORDER

04-CV-6437CJS

Defendant.

Defendants The Travelers Indemnity Company and Travelers Property Casualty Company of America (“Travelers”) having moved for leave to commence a third-party action pursuant to Rule 14(a) of the Federal Rules of Civil Procedure against Commercial Underwriters Insurance Company (“CUIC”), plaintiff not opposing such motion, and this Court finding that CUIC is a proper party to this litigation, it is hereby

ORDERED, that Travelers’ motions for leave to file a third-party complaint is

GRANTED; and it is further

ORDERED, that any third-party complaint shall be filed by Travelers upon counsel for CUIC on or before **October 21, 2005**; and it is further

s/Marian W. Payson

MARIAN W. PAYSON
United States Magistrate Judge

Dated: Rochester, New York
August 23, 2005.